

## **Referral of cases to alternative dispute resolution**

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HB 674 by Bomer (Turner)

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- DIGEST:** HB 674 would have prohibited a court, on its own motion or the motion of a party, from referring a case to alternative dispute resolution (ADR) if a motion for transfer of venue or a motion for special appearance was pending before the court in that case.
- GOVERNOR'S REASON FOR VETO:** "This bill would prohibit courts from submitting cases to alternative dispute resolution where a motion to transfer venue or a motion for special appearance has been filed. In fact, the bill would not allow the court to make the referral even if the parties were willing to submit the dispute to ADR. While these motions must be filed at the beginning of a lawsuit, this period is often the best time for the parties to attempt to resolve the suit. To limit the availability of the process at that time could slow the resolution and further clog our overcrowded courts."
- RESPONSE:** Rep. Elton Bomer, the author of HB 674, said: "This bill should not have been vetoed because, in the situation covered by the bill, there would be a reasonable question whether the judge had jurisdiction over the case or the motions would not have been filed. It is not fair to either party for a judge to make a decision affecting the life and property of the parties while there is an outstanding question with respect to jurisdiction. The parties are entitled to a decision concerning jurisdiction before referral to alternative dispute resolution."
- NOTES:** HB 674 was analyzed in Part Three of the April 26 *Daily Floor Report*.